

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Curtis Antonio Moore,

Civil No. 09-2667 (RHK/JJK)

Petitioner,

ORDER

v.

Jessica Symmes, Warden,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated November 15, 2010. Timely Objections have now been filed. Based upon the Court's de novo review of the Report and Recommendation and the Objections filed with respect thereto, and upon all of the files, records, and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 29) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 26) is **ADOPTED**;
3. Petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1), is **DENIED**; and
4. This action is **DISMISSED WITH PREJUDICE**.

The Court declines to issue a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 5, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge